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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
06/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/587,668	CHEN, TAO	
	Examiner	Art Unit	
	JAIME M. HOLLIDAY	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/6/09*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-31,33-35 and 37-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-31, 33-35 and 37-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed March 6, 2009 have been fully considered but they are not persuasive.

Applicant basically argues that the prior art of record, in particular, Chheda et al. fail to teach "detecting an unbalanced quality of power control signals from a wireless device simultaneously received at a plurality of base station transceivers involved in a soft handover, wherein the unbalanced quality is determined based on qualifies of power control signals from each of the plurality of base station transceivers involved in the soft handoff," and further argues that quality based on bit energy to noise density relates to a data frame and not based on a power control signal. Applicant further argues that any finality of a new Office Action would be improper since independent claims were not completely examined.

Examiner respectfully disagrees, because the bit energy to noise density sent to the BSC from each BTS, and compared to a predetermined threshold, is actually the bit energy to noise density of the reverse link. The reverse link includes the power control channel signals, therefore teaching "unbalanced quality (*exceed a threshold/difference of output*) is determined based on qualifies of power control signals (*bit energy to noise density of the reverse link*) from each of the plurality of base station transceivers involved in the soft handoff," (col. 5 lines 1-4). Further, although Applicant disagrees with the analysis of the prior art with regards to the claimed limitations, Examiner contends that all elements of the independent claims were examined.

Therefore, in view of the preceding arguments, Examiner maintains previous rejections.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. **Claims 29-31, 33-35 and 37-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chheda et al. (US 6,515,975 B1)** in view of **Kanai (US 5,898,682)**, and in further view of **Moon (US 6,567,391 B1)**.

Consider **claim 29**, Chheda et al. clearly show and disclose a method comprising: detecting an unbalanced quality of power control signals from a wireless device simultaneously received at a plurality of base station transceivers involved in a soft handover, wherein the unbalanced quality is determined based on qualifies of power control signals from each of the plurality of base station transceivers involved in the soft handoff (BTS sending forward link signals to MS and receiving power control channel signals; each of the BTSs sends the bit energy to noise density estimate and current transmit power to a central location such as BSC; if any output powers incremental difference are found to exceed a predetermined threshold, these BTSs are instructed to use power output of the BTS(x) (the best) [col. 1 lines 15-28, col. 2 lines 37-53, col. 4 line 60- col. 5 line 33]).

However, Chheda et al. fail to specifically disclose that the SNR of a pilot channel is increased.

In the same field of endeavor, Kanai clearly shows and discloses increasing a target signal-to-noise ratio (SNR) of a pilot channel carrying at least one of the power control signals for at least one of the plurality of base station transceivers when the quality of the at least one of the power control signals for the at least one of the plurality of base station transceivers is below a predefined target signal quality (if the traffic of the base station **500** approaches the allowable limit and deterioration of the communication quality of the base station is detected, the transmission power levels of the pilot signals of the base stations **500** and **510** are decreased and increased, respectively; for the mobile station in a standby state, the cell size of the base station is reduced while the cell size of the base station is expanded; as a consequence, in the base station, the reduction in cell size brings about an increase in margin for thermal noise [col. 9 lines 20-26, 55-62]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to the noise of a pilot signal of a base station as taught by Kanai in the method of Chheda et al., in order to implement power control during a soft handoff.

However, Chheda et al., as modified by Kanai, fail to increase the transmit power level of the pilot channel from the wireless device decrease a power gain of other channels.

In the same field of endeavor, Moon clearly shows and discloses increasing a pilot channel transmit power level of the pilot channel transmitted by the wireless device during a handoff in response to the at least one of the plurality of base station transceivers (mobile station increases transmission power [fig. 2, col. 3 lines 46-65, col. 6 lines 6-14]); and decreasing a power gain of other channels transmitted by the wireless device in relation to the increased transmit power level of the pilot channel of the wireless device during the handoff (total transmission power is not changed; with some traffic channels decreasing transmission power [fig. 2, col. 3 lines 46-65, col. 6 lines 6-14]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to decreasing a power gain of other channels while increasing the power of the reverse pilot signal as taught by Moon in the method of Chheda et al., as modified by Kanai, in order to implement power control during a soft handoff.

Consider **claim 30**, the combination of Chheda et al. and Kanai, as modified by Moon, clearly shows and discloses the claimed invention **as applied to claim 29 above**, and in addition, Moon further discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (the mobile station increases transmission power of the pilot channel by ΔP; it is also possible to assign the total transmission power pf the mobile station to the pilot channel [col. 3 lines 46-65]).

Consider **claim 31**, the combination of Chheda et al. and Kanai, as modified by Moon, clearly shows and discloses the claimed invention **as applied to claim 29 above**, and in addition, Moon further discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (the increased total transmission power of the mobile station can be either equal or different than the increased transmission power of the pilot channel; only the pilot channel is transmitted and the traffic channel is not transmitted [col. 4 lines 40-67]).

Consider **claim 33**, Chheda et al. clearly show and disclose an apparatus comprising means for: detecting an unbalanced quality of power control signals from a wireless device simultaneously received at a plurality of base station transceivers involved in a soft handover, wherein the unbalanced quality is determined based on qualifies of power control signals from each of the plurality of base station transceivers involved in the soft handoff (BTS sending forward link signals to MS and receiving power control channel signals; each of the BTSs sends the bit energy to noise density estimate and current transmit power to a central location such as BSC; if any output powers incremental difference are found to exceed a predetermined threshold, these BTSs are instructed to use power output of the BTS(x) (the best) [col. 1 lines 15-28, col. 2 lines 37-53, col. 4 line 60- col. 5 line 33]).

However, Chheda et al. fail to specifically disclose that the SNR of a pilot channel is increased.

In the same field of endeavor, Kanai clearly shows and discloses increasing a target signal-to-noise ratio (SNR) of a pilot channel carrying at least one of the power control signals for at least one of the plurality of base station transceivers when the quality of the at least one of the power control signals for the at least one of the plurality of base station transceivers is below a predefined target signal quality (if the traffic of the base station **500** approaches the allowable limit and deterioration of the communication quality of the base station is detected, the transmission power levels of the pilot signals of the base stations **500** and **510** are decreased and increased, respectively; for the mobile station in a standby state, the cell size of the base station is reduced while the cell size of the base station is expanded; as a consequence, in the base station, the reduction in cell size brings about an increase in margin for thermal noise [col. 9 lines 20-26, 55-62]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to the noise of a pilot signal of a base station as taught by Kanai in the method of Chheda et al., in order to implement power control during a soft handoff.

However, Chheda et al., as modified by Kanai, fail to increase the transmit power level of the pilot channel from the wireless device decrease a power gain of other channels.

In the same field of endeavor, Moon clearly shows and discloses increasing a pilot channel transmit power level of the pilot channel transmitted by the wireless device during a handoff in response to the at least one of the plurality of base station transceivers (mobile station increases transmission power [fig. 2, col. 3 lines 46-65, col. 6 lines 6-14]); and decreasing a power gain of other channels transmitted by the wireless device in relation to the increased transmit power level of the pilot channel of the wireless device during the handoff (total transmission power is not changed; with some traffic channels decreasing transmission power [fig. 2, col. 3 lines 46-65, col. 6 lines 6-14]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to decreasing a power gain of other channels while increasing the power of the reverse pilot signal as taught by Moon in the method of Chheda et al., as modified by Kanai, in order to implement power control during a soft handoff.

Consider **claim 34**, the combination of Chheda et al. and Kanai, as modified by Moon, clearly shows and discloses the claimed invention **as applied to claim 33 above**, and in addition, Moon further discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (the mobile station increases transmission power of the pilot channel by ΔP; it is also possible to assign the total transmission power pf the mobile station to the pilot channel [col. 3 lines 46-65]).

Consider **claim 35**, the combination of Chheda et al. and Kanai, as modified by Moon, clearly shows and discloses the claimed invention **as applied to claim 33 above**, and in addition, Moon further discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (the increased total transmission power of the mobile station can be either equal or different than the increased transmission power of the pilot channel; only the pilot channel is transmitted and the traffic channel is not transmitted [col. 4 lines 40-67]).

Consider **claim 37**, Chheda et al. clearly show and disclose a computer readable media embodying a method, comprising: detecting an unbalanced quality of power control signals from a wireless device simultaneously received at a plurality of base station transceivers involved in a soft handover, wherein the unbalanced quality is determined based on qualifies of power control signals from each of the plurality of base station transceivers involved in the soft handoff (BTS sending forward link signals to MS and receiving power control channel signals; each of the BTSs sends the bit energy to noise density estimate and current transmit power to a central location such as BSC; if any output powers incremental difference are found to exceed a predetermined threshold, these BTSs are instructed to use power output of the BTS(x) (the best) [col. 1 lines 15-28, col. 2 lines 37-53, col. 4 line 60- col. 5 line 33]).

However, Chheda et al. fail to specifically disclose that the SNR of a pilot channel is increased.

In the same field of endeavor, Kanai clearly shows and discloses increasing a target signal-to-noise ratio (SNR) of a pilot channel carrying at least one of the power control signals for at least one of the plurality of base station transceivers when the quality of the at least one of the power control signals for the at least one of the plurality of base station transceivers is below a predefined target signal quality (if the traffic of the base station **500** approaches the allowable limit and deterioration of the communication quality of the base station is detected, the transmission power levels of the pilot signals of the base stations **500** and **510** are decreased and increased, respectively; for the mobile station in a standby state, the cell size of the base station is reduced while the cell size of the base station is expanded; as a consequence, in the base station, the reduction in cell size brings about an increase in margin for thermal noise [col. 9 lines 20-26, 55-62]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to the noise of a pilot signal of a base station as taught by Kanai in the method of Chheda et al., in order to implement power control during a soft handoff.

However, Chheda et al., as modified by Kanai, fail to increase the transmit power level of the pilot channel from the wireless device decrease a power gain of other channels.

In the same field of endeavor, Moon clearly shows and discloses increasing a pilot channel transmit power level of the pilot channel transmitted by the wireless device during a handoff in response to the at least one of the plurality of base station transceivers (mobile station increases transmission power [fig. 2, col. 3 lines 46-65, col. 6 lines 6-14]); and decreasing a power gain of other channels transmitted by the wireless device in relation to the increased transmit power level of the pilot channel of the wireless device during the handoff (total transmission power is not changed; with some traffic channels decreasing transmission power [fig. 2, col. 3 lines 46-65, col. 6 lines 6-14]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to decreasing a power gain of other channels while increasing the power of the reverse pilot signal as taught by Moon in the method of Chheda et al., as modified by Kanai, in order to implement power control during a soft handoff.

Consider **claim 38**, the combination of Chheda et al. and Kanai, as modified by Moon, clearly shows and discloses the claimed invention **as applied to claim 37 above**, and in addition, Moon further discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (the mobile station increases transmission power of the pilot channel by ΔP; it is also possible to assign the total transmission power pf the mobile station to the pilot channel [col. 3 lines 46-65]).

Consider **claim 39**, the combination of Chheda et al. and Kanai, as modified by Moon, clearly shows and discloses the claimed invention **as applied to claim 37 above**, and in addition, Moon further discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (the increased total transmission power of the mobile station can be either equal or different than the increased transmission power of the pilot channel; only the pilot channel is transmitted and the traffic channel is not transmitted [col. 4 lines 40-67]).

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAIME M. HOLLIDAY whose telephone number is (571)272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaime M Holliday/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617